

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
MUN CHA OM)	CASE NO. 03-72513-MHM
)	
Debtor)	
)	
<hr/>		
OLUMBA K. OGUM)	
)	
Plaintiffs)	ADVERSARY PROCEEDING
)	NO. 05-9127
v.)	
)	
UNITED STATES BANKRUPTCY COURT)	
JUDGE MARGARET MURPHY)	
)	
Defendants)	

ORDER OF RECUSAL

Plaintiff's complaint was filed naming the undersigned as Defendant. Bankruptcy Rule 5004(a) provides that disqualification of a bankruptcy judge is governed by 28 U.S.C. §455, which provides:

- (a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
- (b) He shall also disqualify himself in the following circumstances:
 - (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding...[.]

Section 455 is self-executing. A judge may recuse *sua sponte*. See *Taylor v. O'Grady*, 888 F.2d 1189, 1200 (7th Cir.1989).

The standard is objective, not subjective. *U.S. v. Garrudo*, 869 F.Supp. 1574 (S.D.Fla.) *affirmed* 139 F.3d 847 (11th Cir. 1994), *rehearing granted and vacated* 161 F.3d 652 (1998), *on rehearing* 172 F.3d 806, *cert. denied* 528 U.S. 985 (1999). "The test is whether a reasonable person, knowing all the relevant facts, would harbor doubts about the judge's impartiality." *Bryce v. Episcopal Church of Colo.*, 289 F.3d 648, 659 (10th Cir.2002) (internal quotations omitted).

Plaintiff has made the undersigned the defendant in this adversary proceeding. Regardless of the merit or lack thereof of Plaintiff's allegations, it seems inherently impossible for a judge to preside impartially over a proceeding in which she is a party. Accordingly, pursuant to 28 U.S.C. §455(b) and Bankruptcy Rule 5004, the undersigned hereby disqualifies herself from the above-styled adversary proceeding.

The Clerk, U.S. Bankruptcy Court is DIRECTED to **REASSIGN** the above-styled adversary proceeding and **NOTIFY** all parties *instantly*.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Plaintiff's attorney, Defendant's attorney, and the Chapter 13 Trustee.

IT IS SO ORDERED, this the _____ day of November, 2005.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE